SENATE JUDICIARY

EXHIBIT NO 2
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BILL NO SR O



MONTANA COUNTY ATTORNEYS ASSOCIATION 34 West Sixth Avenue • Suite 2E Helena, Montana 59601

January 8, 2009

Senator Laslovich;

At the Senate Judiciary Committee's hearing yesterday on SB 45 you asked for information on whether or not all counties charge the Office of Public Defender (OPD) for making paper copies or copies of videos or dvds during 'discovery' in a criminal proceeding.

Understanding that the Committee may take its Executive Action on SB 45 as early as Friday (Jan. 9th), here are the findings to date:

As of this (Thursday) afternoon, I have heard back directly from the following fourteen (14) counties: Daniels, Flathead, Jefferson, Lincoln, Liberty, Rosebud, Toole, Park, Fallon, Carter, Beaverhead, Lake, Fergus, Sanders.

None of these counties charge the OPD for making copies. In some counties the OPD is asked to bring in a blank video tape or a blank dvd. That's it.

Upon reflection, and after hearing from these counties, I am beginning to believe that the bill, SB 45, deals with a few local situations, not a statewide situation or problem.

I spoke with Rep. Menahan about the difficulties between the OPD and the County Attorney in Lewis & Clark County. I asked him to talk to you about that local situation, which is the one that I believe generated SB 45.

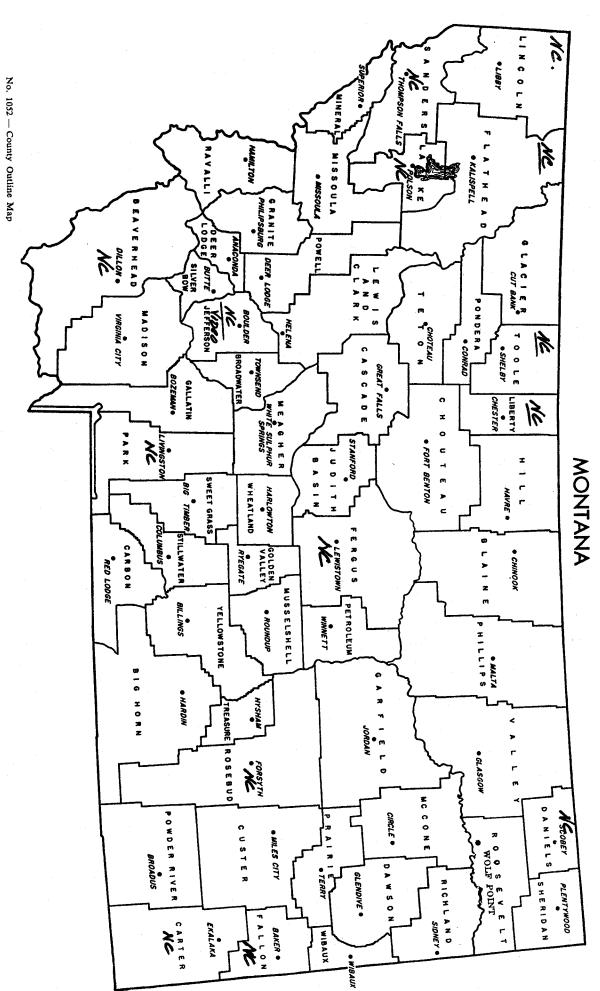
My thinking is that the Senate Judiciary ought to table SB 45 and say in no uncertain terms to the OPD and the county attorneys: WORK IT OUT AT THE LOCAL LEVEL.

One more comment, if you please. It was implied at the hearing yesterday by Mr. Freebourn that the Montana County Attorneys Association is spreading the word that the county attorneys ought to be billing the OPD for these services. This is not true.

Thanks, Jim Smith 443-1570 (w) 443-0606 (1) 949-1002 (cel

Telephone: 406-443-1570 Fax: 406-443-1592 E-Mail: www.mcn.net/~mcaa

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